



PLANNING COMMISSION AGENDA
SYNOPSIS

Wednesday, April 14, 2004

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

4:30 PM STUDY SESSION
Room 400
Discussion of Employment Lands Conversion Framework

801 North First Street
San Jose, California

Jay James, Chair
Bob Levy, Vice-Chair

Xavier Campos Bob Dhillon
Christopher Platten
John G. Zamora James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Jay James** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***April 14, 2004***. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

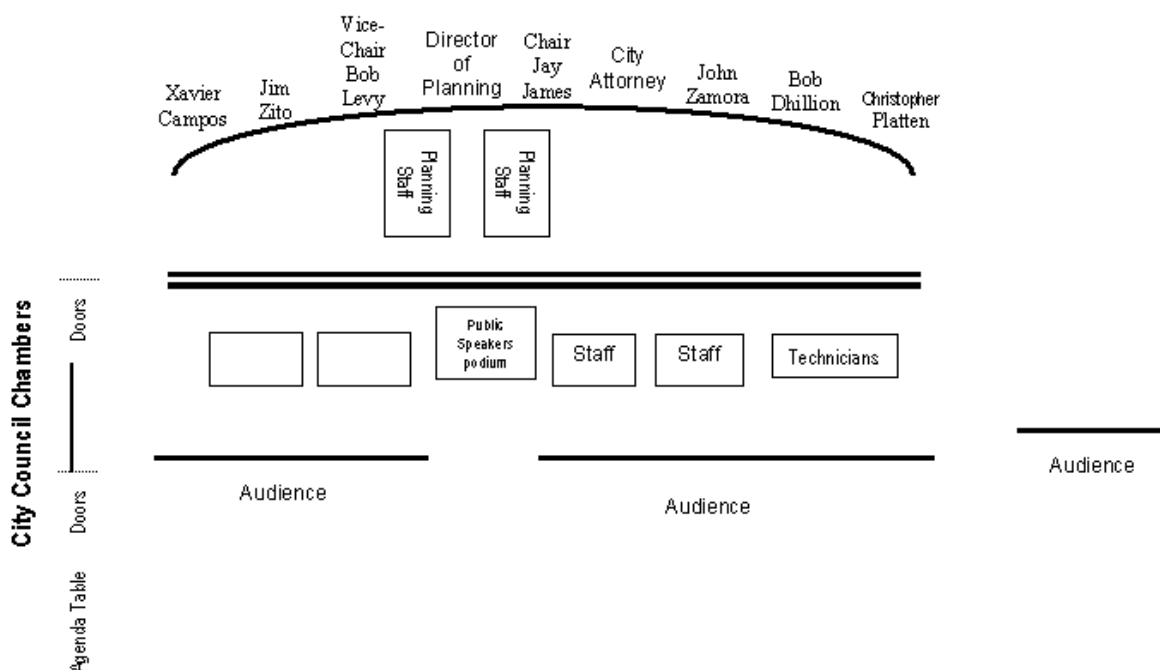
- ? After the staff report, applicants and appellants may make a 5-minute presentation.
- ? The chair will call out names on the submitted speaker cards in the order received.
- ? As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- ? After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- ? Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Linda LaCount (linda.lacount@sanjoseca.gov).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT, EXCEPT PLATTEN AND ZITO.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. PDC03-090. PLANNED DEVELOPMENT REZONING from R-2 Two-Family Residence Zoning District and CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow a radio station use on a 0.33 gross-acre site, located on the north side of Alum Rock Avenue approximately 200 feet southwesterly of 34th Street (1629 Alum Rock Avenue)(Dolores and Batista Vieira, Owners). Council District 5. SNI: Five Wounds/Brookwood Terrace CEQA: Exempt. Deferred from 3-10-04 and 3-24-04.

DEFERRED TO 5-12-04.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. PDC03-082. PLANNED DEVELOPMENT REZONING from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family attached-residential units on a 0.96 gross-acre site, located on the south side of McKee Road approximately 200 feet northeasterly of North Capitol Avenue (2740 McEee Road)(Core Development, Applicant; ManuelRusso Trustee, Owner). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration

RECOMMEND APPROVAL (5-0-2; PLATTEN AND ZITO ABSENT).

The following items are considered individually.

4. PUBLIC HEARINGS

- a. RCP04-006. CONDITIONAL USE PERMIT to allow 24 hour operations, daily, at an existing eating and drinking establishment with live entertainment (Palermo) on a 0.35-acre site in the CG Commercial General Zoning District, located at 394 South Second Street (Diane and Renato Cusimano, Owner/Applicant). Council District: 3. CEQA: Resolution No. 68839. Deferred from 3-10-04.

CONTINUED TO 4-28-04 (5-0-2; PLATTEN, ZITO ABSENT).

- b. CP03-067. CONDITIONAL USE PERMIT to allow a "Residential Substance Abuse Treatment Facility" for up to 18 adults and up to 3 non-resident staff on a 0.14 gross-acre site in the R-M Multiple Residence Zoning District, located at/on the eastside of South 9th Street approximately 200 feet northwesterly of East Reed Street (561 S. 9th Street) (Martin Aparicio, Owner). Council District 3. SNI: University. CEQA: Exempt.

APPROVED (5-0-2; PLATTEN AND ZITO ABSENT).

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

NO COMMENTS.

- b. Schedule an additional meeting for the CIP report: study session 4:30-6:00 p.m. and regular meeting 6:00 p.m., May 6, 2004.

APPROVED (5-0-2; PLATTEN AND ZITO ABSENT).???????

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NO REPORT GIVEN.

7. GOOD AND WELFARE

- a. Report from City Council

NO REPORT GIVEN.

- b. Commissioners' reports from Committees:

? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).

NO REPORT GIVEN.

? Coyote Valley Specific Plan (Platten)

NO REPORT GIVEN.

c. Review of synopsis.

NO CHANGES TO SYNOPSIS.

8. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

April 26	6:00 p.m.	General Plan Hearing	Council Chambers
April 28	4:30 p.m.	Study Session	Room 400
Continuous Improvement Of Commission Public Hearings			
April 28	6:00 p.m.	Regular Meeting	Council Chambers
May 6	4:30 p.m.	Study Session	Room 437 <small>(new)</small>
Overview of the Capital Improvement Program			
May 6	6:00 p.m.	Regular Meeting	Council Chambers <small>(new)</small>
May 12	6:00 p.m.	Regular Meeting	Council Chambers
May 26	6:00 p.m.	Regular Meeting	Council Chambers
June 9	6:00 p.m.	Regular Meeting	Council Chambers
June 23	6:00 p.m.	Regular Meeting	Council Chambers
July 14	6:00 p.m.	Regular Meeting	Council Chambers
July 26	6:00 p.m.	General Plan Hearing	Council Chambers
July 28	6:00 p.m.	Regular Meeting	Council Chambers
August 11	6:00 p.m.	Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
September 23	8:30 a.m./4:30 p.m.	Annual Retreat	Museum of Art, 110 S. Market
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers